



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 7759-99  
4 May 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: SK [REDACTED] E, USNR, [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 29 Nov 99 w/attachments  
(2) PERS-91 memo dtd 6 Apr 00  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show he was qualified for Reserve Transition Benefits (RTB).
2. The Board, consisting of Messrs. Caron, Neuschafer, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 3 May 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
  - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
  - b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They state the RTB office at Commander, Naval Reserve Force (COMNAVRESFOR) will process Petitioner's request for RTB when and if his petition is approved.


CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.


RECOMMENDATION:

- a. That Petitioner's naval record be corrected, where appropriate, to show that after having been involuntarily separated from the Selected Reserve, he was transferred to the Retired List on 13 June 1999, his 60th birthday, under title 10 United States Code, section 12731a.
  - b. That COMNAVRESFOR take appropriate action, in light of recommendation a above, to process Petitioner's request for RTB.
  - c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
for W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
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5420  
PERS 91  
6 Apr 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS

Via: BCNR Coordinator (PERS-00ZCB)

Subj: REQUEST FOR INFORMATION IN THE CASE OF  
SK [REDACTED] USNR [REDACTED]

Encl: (1) BCNR File 07759-99 w/Service record

Ref: (a) PHONCON LCDR [REDACTED] PERS-913 [REDACTED]  
(CNRF) of 6 Apr 00

1. Enclosure (1) is forwarded with the following comments and recommendations:

a. We support [REDACTED] petition with regard to qualifying for Reserve Transition Benefits (RTB), which includes eligibility for retirement, and recommend changing his official service record to reflect a retirement date of 12 June 1999.

b. Our records show that Petty Officer [REDACTED] was released from Active Duty for Special Work on 30 September 1998. After release from active duty he was assigned to the Individual Ready Reserve (IRR) where he remains to date. Due to his age and career, he will not be able to attain 20 qualifying years of service for a non-regular retirement by his 63<sup>rd</sup> birthday. He would have been eligible, however, for RTB had he been properly processed for affiliation with a Volunteer Training Unit after his release from active duty. Per reference (a) the Reserve Transition Benefits office at COMNAVRESFOR will process Petty Officer [REDACTED] request for RTB when and if his petition is approved.

2. Additional questions may be directed [REDACTED]  
[REDACTED]  
[REDACTED]

Director, Naval Reserve Personnel  
Administration Division